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FEDERAL COMMUNICATIONS COMMISSION
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May 24, 1993

BY HAND

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 93-25
Direct Broadcast Satellite
Public Service Obligations

Dear Ms. Searcy:

Transmitted herewith on behalf of Educational Broadcasting Corporation, licensee of noncommercial educational television station WNET, Newark, New Jersey, are an original and nine copies of its Comments in the above-referenced proceeding.

Respectfully submitted,

Barbara K. Gardner

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Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Implementation of Section 25)
of the Cable Television Consumer)
Protection and Competition Act)
of 1992)

MM Docket No. 93-25

Direct Broadcast Satellite)
Public Service Obligations)

To: The Commission

COMMENTS OF
EDUCATIONAL BROADCASTING CORPORATION

Educational Broadcasting Corporation, a leading producer of PBS programming and the licensee of noncommercial educational television station WNET(TV), Newark, New Jersey (WNET"), hereby comments briefly on the Notice of Proposed Rule Making in the above-captioned proceeding, 8 FCC Rcd 1589 (1993) ("Notice"), implementing Section 25 of the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Cable Act"). Although generally supporting the joint comments being

DISCUSSION

Today, the educational services of public television go far beyond the boundaries not only of traditional instructional programming (the earliest use of the medium), but also of present-day informational offerings broadcast over the air for viewers of all ages. Embracing new technologies and focusing on lifelong learning, public television is constantly expanding the learning opportunities available to the American people. WNET, for example, through its Educational Resources Center, provides its tri-state area with Learning Link, an interactive computer network to help teachers use educational resources; sponsors a National Teacher Training Institute to train teachers in integrating video into their science and mathematics curricula; delivers Videolink -- instructional television and related print materials -- to ten community centers in some of New York's most deprived neighborhoods; participates in the Satellite Educational Resources Consortium, which provides live, interactive distance learning to high school students, as well as instruction to teachers throughout the United States; produces training videos for teachers and businesses; and has established a Multimedia Education Center to create, test and market interactive educational hardware and software. Most recently, in collaboration with PBS and Station WGBH, WNET announced the creation of a new cable channel, "Horizons TV," to bring the

country's greatest thinkers and artists into cable homes across the nation.

WNET is not alone; other public broadcasters, individually or in consortia, engage in similar educational outreach efforts. In short, public television takes its mission to educate and inform the American public seriously, and is in the forefront of utilizing new technologies to do so. As a result, its reach now extends well beyond the traditional broadcast medium, and its value as a national resource is commensurately greater. The FCC should recognize the importance of these efforts by facilitating, to the greatest extent possible, public television's entry onto every new electronic avenue into the home regulated by the Commission. In the case of DBS, such efforts will not only implement Congress' will in enacting Section 25(b) of the Cable Act, but will also foster the more efficient use of public television product in which the Federal government has invested on behalf of the American people.

To implement these goals, the FCC should, for example, require that access to the DBS capacity reserved for noncommercial uses be priced as reasonably as possible, by enumerating all possible costs that can legitimately be used in the "direct costs" rate determination and declaring all other costs excluded, and by declaring that non-profit programming providers receiving Federal funds to support their programming must be charged a discounted rate, i.e., less than 50 percent of the total direct costs of carriage. Second, the Commission

should define the quantitative educational reservation requirement so as to provide generous, usable and stable blocks of time at reasonable hours and on channels that subscribers can readily be made aware of and that do not change without notice.

Further, the FCC should not exclude potential noncommercial programmers by requiring that they already be "national" educational programming suppliers to qualify for DBS access: Congress stated clearly that "any" public television station qualifies (once utilizing DBS, such a programmer will ipso facto be a "national" programming supplier). Finally, WNET supports the suggestion of APTS and CPB that an industry Advisory Committee be established to recommend specific procedures for insuring the greatest possible educational use of the DBS capacity that Congress has reserved for this important mission.

RESPECTFULLY SUBMITTED,

EDUCATIONAL BROADCASTING
CORPORATION

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